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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR [illegible] 1999

ACTION MEMORANDUM

SUBJECT: Request for Removal Action Ceiling Increase at the Goins Waste Oil Site, Cleveland, Bradley County, Tennessee

FROM: John F. Nolen, On-Scene Coordinator JFN
Emergency Response and Removal Branch

TO: Richard D. Green, Director
Waste Management Division

Site ID #: A4N2

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action ceiling increase described herein for the Goins Waste Oil Site (the Site), located in Cleveland, Bradley County, Tennessee. The Site poses a threat to public health and the environment that meets the NCP Section 300.415(b)(2) criteria for removal actions. A response under the OSC's $200,000 warrant authority was initiated to stabilize the site. A ceiling increase is necessary to continue removal actions at the Site in order to abate the release or threat of release of hazardous substances from the facility into the environment. The total project ceiling, if approved, will be increased to $672,000 of which an estimated $450,000 will be funded for the emergency cleanup contractor.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

The CERCLIS ID # for this time critical removal Action is TND981022395.

The Goins Waste Oil Site is located at 801 15th Street, N.E., in a mixed residential/industrial area of northeast Cleveland, Bradley County, Tennessee. The

Site is a hazardous waste and used oil transporter and a used oil transfer facility, which is no longer in operation. Dating back to 1985, the Tennessee Department of Environment and Conservation (TDEC) has cited the property owner of the Site with several violations under the Resource Conservation and Recovery Act (RCRA) and the Tennessee Water Quality Control Act. In November, 1998, as a result of a Clean Water Act criminal violation, the property owner was convicted and ordered to cease operations at the facility.

In January, 1999, the Site was discovered by the Environmental Protection Agency's Emergency Response and Removal Branch (ERRB) during a routine Spill Prevention Control and Countermeasure (SPCC) inspection. The inspection revealed eleven above ground storage tanks (AST), none of which had adequate secondary containment, which appeared to be full of waste oil. In February, 1999, a follow up inspection of the facility revealed that approximately 5,000 gallons of an oil-water emulsion was leaking from a containment area for above ground storage tanks. An unknown quantity of the emulsion flowed into a drainage ditch adjacent to the site and entered a small creek. Utilizing Oil Pollution Act (OPA) funding, the EPA mobilized a clean up contractor to stabilize the site. In March, 1999, following a heavy rain event, the ERRB returned to the site to remove oil-water emulsion from the containment area to prevent another release. During the February, 1999 emergency response, samples were collected from the oil-water emulsion, tanks, sludge, and soil in order to further characterize the existing threats at the site. Analysis indicated the presence of numerous hazardous substances in the samples collected. Because of the presence of hazardous substances in the waste oil, the ERRB determined that future site activities would be funded under CERCLA.

Based upon the continued threat of release of the oil-water emulsion from the containment area, the OSC determined that site conditions posed an immediate threat to public health and the environment. Consequently, on March 15,1999, a Superfund emergency removal was initiated under the OSC's $200,000 warrant authority.

Currently, the oil-water emulsion which was removed from the containment area during the previous actions conducted by the ERRB, remains staged on-site in two 21,000 gallon Baker tanks. All of the AST's, drums, and sumps remain full of waste oil and sludge. The soil and gravel on the property are contaminated with the waste oil. The additional funding requested

will be required to dispose of the wastes remaining on-site.

2. Physical Location

The Site is located in a mixed residential/industrial area with several residences in close proximity to the site. The property on which the site is situated is 6,100 square feet in size.

Down gradient from the site the storm water drainage system empties into a drainage ditch which flows into Fillauer Branch which eventually flows into Chattanooga Creek.

3. Site Characteristics

The property and operations of the Site were specifically developed and centered upon waste oil storage and transport. The Site contains eleven above ground storage tanks full of waste oil, and approximately 30 (55 gallon) drums containing oil sludge and other unknown substances.

4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

The release or threat of release of hazardous substances at the Site may present an imminent and substantial endangerment to the public health or welfare or the environment. In order to protect the public heath or welfare or the environment, action is necessary to abate the release or threat of release of hazardous substances from the facility into the environment.

The threats posed by the site consist of an estimated 120,000 gallons of waste oil and sludge in AST's and drums without adequate secondary containment. The oil and sludge contains hazardous substances as defined by section 101(14) of CERCA including: methyl ethyl ketone, benzene, toluene, xylene, tetrachloroethene, and acetone. Previous releases of hazardous substances, pollutants or contaminants were documented when EPA identified lead and poly chlorinated biphenyl (pcb) contamination in site soils.

Currently, a release or threat of release of hazardous substances exists with every rainfall event. The rainwater mixes with the contaminated soil within the secondary containment and eventually overflows and

enters the storm water drainage system. Surface water runoff also comes in contact with the contaminated surface soils and migrates offsite into the storm water drainage system. The material in the tanks, drums and the contaminated surface soil is readily accessible to potential trespassers.

5. NPL Status

The Goins Waste Oil Site is not currently on the National Priority List, nor is it a likely candidate for listing in the future. ERRB has made the North Site Management Branch of EPA and the Tennessee Department of Environmental Control aware of the Site.

6. Maps, pictures and other graphic representation

Maps and pictures can be made available upon request.

B. Other Actions to Date

1. Previous Actions

In February and March 1999, the EPA's ERRB initiated two emergency stabilization actions to prevent the continued release of the oil-water emulsion from the AST containment area. Approximately 18,000 gallons of the emulsion was removed from the containment area and stored in a 21,000 gallon Baker tank on site. Samples were collected from AST's, sumps, and soils in order to further characterize the threats at the Site. The analysis revealed the presence of hazardous substances. Both emergency actions were conducted under OPA for a total cost of $5,000.

On March 15, 1999 EPA initiated an emergency removal action under the OSC's $200,000 warrant authority. The containment area was again full of the oil-water emulsion because of recent heavy rain. The initial EPA removal activities included the removal of approximately 13,000 gallons of the contaminated emulsion from the containment area. A second Baker tank was brought to the site to store the additional material. Additional sampling was conducted in order to profile the site wastes for future offsite disposal.

2. Current Actions

No other government or private activities are currently being performed.

C. State and Local Authorities' Role

1. State and Local Actions to Date

In February 1997, the TDEC inspected the Goins facility and documented the discharge of an oily wastewater from the containment area into a ditch which eventually flows into Fillauer Branch. The alleged violations were referred to the EPA's Criminal Investigation Division (CID) As a result of an investigation conducted by State agencies, CID, and the FBI, the property owner was ordered to cease operations at the facility in November, 1998.

2. Potential for Continued State/Local Response

At the present time, the TDEC does not have access to resources necessary to mitigate the threats posed by the Site.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES.

A. Threats to Public Health or Welfare

The OSC has determined that this site meets the criteria for a removal action as defined under the National Contingency Plan (NCP), 40 CFR Section 300.415(b)(2). There is a continuing threat of release of the waste oil from the tanks, drums, sumps and containment area at the Site. The contaminated surface water runoff will continue to migrate offsite and threaten the surface water and groundwater.

There is an immediate threat to the health and safety of trespassers who may enter the Site. Human exposure to site related contaminants may occur via inhalation of windborne dust , inadvertent ingestion of or contact with, contaminated soil and direct contact with the contents of the tanks, drums, or sumps.

Contaminants of concern at the Site include lead and benzene. Possible routes of exposure to lead are inhalation, direct contact, and ingestion. Prolonged exposure can lead to anemia, abdominal cramping, nausea, and vomiting. Extreme effects of lead exposure may include convulsions, coma, delirium, and possibly death. Primary entry routes for benzene include inhalation, and skin

absorption. Benzene is a suspected human carcinogen. The most important health hazards are cancer and bone marrow damage with injury to blood-forming tissue from chronic low-level exposure. Higher level exposures may irritate the respiratory tract and cause central nervous system depression.

B. Threats to the Environment

The Site contains hazardous substances in the tanks, drums, and site soils. There is a continued threat of release of the hazardous substances on site with every rainfall event. Rainfall and storm water run off come in contact with the contaminated sludge in the containment area and the site soils. The contaminated water migrates offsite and eventually enters Fillauer Creek. The contaminated site soils also pose a threat to groundwater. Contaminants will continue to migrate through the surface soils and present a direct threat to the groundwater.

If action is delayed, contaminants will continue to threaten to contaminate the surface water and the groundwater.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of the hazardous substances from this site, if not addressed by implementing the response action outlined in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

Proposed actions include the collection, transportation and disposal of all hazardous substances located on the Site. Based on laboratory analysis and field hazard categorization testing of the material located in the tanks, sumps, and drums, like materials will be consolidated in order to minimize disposal costs. Following the removal of the wastes in the tanks and drums, the OSC will evaluate the contaminated soil remediation options. Soil remediation options will be dependent upon the horizontal and vertical extent of contamination in the soil.

1. Proposed Action Description

The following actions are proposed at the Site:

- Improve site security.

- Collect and analyze samples of soil and sludge to determine disposal options.
- Arrange for disposal of waste oil and sludge from the ASTs at a permitted facility.
- Demolish the ASTs within the containment area.
- Excavation and offsite transportation and disposal of contaminated sludge and soil from within the containment area.
- Continue demolition and cleaning of the remaining tanks on site.
- Segregate, stage and conduct hazard categorization on drum contents.
- Excavate contaminated soil.
- Conduct confirmation sampling of the excavated areas.
- Arrange for offsite disposal of contaminated soil and drum waste to a permitted facility.
- Restore the Site - including backfill, grade and re vegetation.

2. Contribution to Remedial Performance

The proposed removal activity at the Site will abate the immediate threats identified in section III of this document. The proposed removal action will contribute to long term cleanup goals if further remedial actions are necessary.

3. Description of Alternate Technologies

Alternate technologies will be considered prior to the disposal phase of this removal, however off-site disposal is likely to be the most cost effective and environmentally beneficial option.

4. Engineering Evaluation/ Cost Analysis (EE/CA)

This proposed action is time-critical and does not require an EE/CA.

5. Applicable or Relevant and Appropriate Requirements (ARARs)

Potential Federal identified ARARS for this site include the Resource Conservation and Recovery Act (RCRA), and the EPA's CERCLA Off-Site Rule. No state ARARS have been identified.

Any other federal or state ARARS identified during the removal action will be considered. Any instance of failure to attain ARARS or waiver of ARARS will be properly documented.

6. Project Schedule

Response actions will continue at the Site upon approval of this Action Memorandum. Foregoing any unexpected delays, all actions are expected to be completed within three months of the start date.

B. Estimated Costs

This Independent Government Cost Estimate (IGCE) was developed using current ERRS contract rates for personnel and equipment.

Extramural Costs:	Current Ceiling	Costs to date	Proposed Ceiling
Regional Allowance ERRS	$150,000	$20,000	$450,000
Non Regional Allowance START	$0	$0	$60,000
Subtotal Extramural	$150,000	$20,000	$510,000
20% Contingency	$30,000	$4,000	$102,000
Total Extramural Costs	$180,000	$24,000	$612,000
Intramural Costs:			
Direct Costs	$2,000	$1,500	$20,000
Indirect costs	$5,000	$500	$40,000
Total Intramural	$7,000	$2,000	$60,000
TOTAL REMOVAL PROJECT CEILING	$187,000	$26,000	$672,000

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If action should be delayed or not taken, there will be a continued threat to the public health or welfare and the environment.

Contaminated runoff will continue to impact the surface waters and the contaminated soil will eventually allow for contaminants to impact the groundwater.

Because access to the Site is uncontrolled, there continues to be a significant threat to persons entering the Site who may come in contact with hazardous materials located in the tanks, drums and soils. This situation will continue to exist, and may worsen, if action is delayed or not taken.

VII. OUTSTANDING POLICY ISSUES

No outstanding policies or issues have been identified at this time.

VIII. ENFORCEMENT

Enforcement activities are ongoing. EPA will initiate appropriate enforcement actions with identified viable PRP's, however the urgency of the situation demands a fund-lead response to mitigate the immediate threats posed by the Site. See Attachment, "Enforcement Sensitive," for more detailed information.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Goins Waste Oil Site in Cleveland, Bradley County, Tennessee developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site.

Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal action and I recommend your approval of the proposed ceiling increase of $485,000. The total project ceiling if approved will be $672,000. Of this, an estimated $450,000 comes from the Regional Removal Allowance.

Approved _____ Date: 4/6/99

Disapproved _____ Date: _____

Richard D. Green, Director
Waste Management Division
Environmental Protection Agency, Region IV

4/5/99
John F. Nolen, OSC

4/6/99
Don Rigger, Chief ARS

4/6/99
Myron D. Lair, Chief ERRB

Richard D. Green, Director WMD
4/6/99

Site: Goins Waste Oil

BREAK: 2.9

Note: Due to the CONFIDENTIAL nature of the material, page 0026 of this document has been withheld. Withheld material is available, for Judicial review only, in the Record Center at EPA Region IV, Atlanta, Georgia.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
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61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

4WD-ERRB

David Randolph
Division of Superfund
Department of Environment and
Conservation
4th Floor, L & C Annex
Nashville, TN 37243-1538

Dear Mr. Randolph:

We are pleased to provide a copy of the Action Memorandum requesting and documenting approval of the proposed removal action at the Goins Waste Oil Site, located at 801 15th Street, N.E., in a mixed residential/industrial area of northeast Cleveland, Bradley County, Tennessee.

If you have any questions or comments concerning this document, please contact the On-Scene Coordinator at the following address:

John F. Nolen,OSC
U.S. Environmental Protection Agency
4WD-ERRB
61 Forsyth St., 11th Floor
Atlanta, Georgia 30303
(404) 562-8750

Sincerely,

Myron D. Lair, Chief
Emergency Response & Removal Branch